



King Conservation District

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DATE: August 1, 2000

TO: Members of the Washington Dairy Nutrient Task Force

RE: Water Quality Inspections on Dairy Farms in King County

Dear Member:

On behalf of the dairy producers in the King Conservation District, we wish to express our concern on the pending escalation of enforcement which may occur on many dairies during the next round of inspections by Department of Ecology (DOE) water quality inspectors. Inspectors have informed us that if Notices of Correction (NOC) deadlines are not met, enforcement will escalate to orders, penalties or permits. We believe if this occurs, many of the dairy producers in King County will be forced to go out of business.

We recently contacted our water quality inspector in the Bellevue office to request an extension to the timelines outlined in recent NOC's for four dairies in King County. In addition two dairy farmers also contacted the DOE office for an extension within the timeframe for an extension outlined in the NOC. Both requests were denied and we were informed that if the NOC deadlines were not met, enforcement would escalate. We do not agree with the DOE inspector's interpretation of RCW 90.64... *"The Legislative intent of RCW 90.64 as I have been instructed to implement it by my upper management and as I currently understand it, is that July 2002 and December 2003 timelines as defined by RCW 90.64 were intended to be for dairies that did not have actual discharges or potential discharges. Basically, these timelines were intended for dairies that were doing ok."* (July 26, 2000 correspondence) Our interpretation and understanding of RCW 90.64 allows producers the July 2002 and December 2003 timelines to comply. In addition, it allows producers who are having permitting delays or financial problems to be allowed an extension of up to one year after the approval and certification dates. RCW 90.64.028 *"... a dairy producer who is constrained from complying with the planning requirements of this chapter because of financial hardship or local permitting delays may request a hearing before the commission and may request an extension... "* DOE needs to better understand this process and engage in a more cooperative relationship with Districts and producers.

District staff is currently working with dairy producers to assist them in complying with the 1998 Dairy Nutrient Management Act (RCW 90.64). Currently in King County there are 18 Dairy Nutrient Management Plans (DNMP) approved and 2 certified. Under RCW 90.64 dairy producers must have an approved DNMP by July 1, 2002. We are confident that all 51 dairies in our county will meet this deadline, and all dairies are co-operating with the districts in order to meet this deadline. There are currently 8 manure lagoons planned in King County for this construction season, this in itself demonstrates the willingness of producers to comply with regulations and protect water quality.

KCD Ref: Dairy Task Ltr.

We understand that the fundamental goal of the DNMP is to protect the quality of Washington's water resources and we understand and appreciate the work of the DOE and its staff in implementing this goal. However, it is imperative that DOE understand that large scale projects, such as constructing a manure lagoon requires comprehensive planning, NRCS approval and funding. In addition, the construction season in Western Washington is very short, running approximately from mid-July to mid-September. It is also important to understand that development of a DNMP can take up to 3 or 4 months depending on the complexity of the dairy, the status of the current conservation plan and the availability of land base for manure application.

Conservation Districts are small agencies and have limited funding and staff available to accomplish our large workload. King CD and most other Districts in Western Washington have only one or two dairy specialists available to help producers meet these requirements. We think it would be helpful if the Legislature would direct some of the funds allocated to the Conservation Commission for CD dairy cost-share into additional technical assistance money that provides funding for preparing nutrient management plans, site visits, implementation and administering cost share.

At this time, we are asking Department of Ecology Inspectors to consider allowing our producers the timelines outlined in RCW 90.64 to work with the Conservation Districts to have their DNMP approved and certified before the inspectors escalate their enforcement. By this we mean, to give our producers until July 1, 2002 to have an approved DNMP, and to give them until December 31, 2003 for implementation and certification of this plan. This action combined with additional technical assistance money should enable us to keep our 51 dairies in compliance and remain viable working farms.

Please contact us if you would like to discuss any of the issues we have addressed.

Sincerely,



-GEOFF REED, DIST. COORDINATOR - FOR SCOTT WALLACE

Scott Wallace, Vice- Chairman, King Conservation District
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cc: George Jaquish, US Farm Service Agent
Eric Nelson, King County Livestock Program